

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BAYVIEW LOAN SERVICING, LLC, *et. al*,)

Plaintiffs,)

vs.)

WASHINGTON & SANDHILL
HOMEOWNERS ASSOCIATION, *et. al*,)

Defendants.)

Case No.: 2:17-cv-00026-GMN-CWH

ORDER

Pending before the Court are the Motions to Partially Lift Stay, (ECF Nos. 23, 27), filed by Plaintiffs Bayview Loan Servicing, LLC and the Federal Home National Mortgage Association (collectively “Plaintiffs”). Defendant Washington & Sandhill Homeowners Association (“HOA”) filed Responses, (ECF Nos. 25, 31), and Plaintiffs filed a Reply, (ECF No. 26), with respect to its initial Motion to Lift Stay, (ECF. No. 23). Also pending before the Court is the Motion to Schedule Summary Judgment Briefing, (ECF No. 28), filed by Plaintiffs. HOA filed a Response, (ECF No. 32), and Plaintiffs filed a Reply, (ECF No. 39).¹

With respect to the Motions to Lift Stay, the Court initially stayed this action pending exhaustion of all appeals of *Bourne Valley Court Tr. v. Wells Fargo Bank, NA*, 832 F.3d 1154 (9th Cir. 2016), (ECF No. 21). On June 26, 2017, the Supreme Court denied the petition for a writ of certiorari, *see Bourne Valley Ct. Tr. v. Wells Fargo Bank, NA*, 137 S. Ct. 2296, 2297 (2017), and the Court subsequently ordered that the stay be lifted, (ECF No. 29). Based on the foregoing, the Motions to Lift Stay are hereby denied as moot.

¹ Also before the Court is the Stipulation to Extend Time, (ECF No. 38), which the Court **GRANTS** *nunc pro tunc*.

1 Regarding Plaintiff's Motion to Schedule Briefing, this Motion preceded the Court's
2 subsequent order granting the parties' proposed scheduling order, (ECF No. 46). Accordingly,
3 the Motion to Schedule Briefing is denied as moot.

4 Pursuant to the parties' scheduling order, the parties had until June 13, 2018, to file
5 dispositive motions. (*See id.*). To date, no dispositive motions have been filed. Under Federal
6 Rule of Civil Procedure 56(f), the Court may grant summary judgment after "giving notice and
7 a reasonable time to respond." *See* Fed. R. Civ. P. 56(f). The Court will therefore permit the
8 parties to file motions for summary judgment no later than July 27, 2018.


9 Accordingly,

10 **IT IS HEREBY ORDERED** that the Motions to Lift Stay, (ECF Nos. 23, 27), and
11 Motion to Schedule Briefing, (ECF No. 28), are **DENIED as moot**.

12 **IT IS FURTHER ORDERED** that the Stipulation to Extend Time, (ECF No. 38) is
13 **GRANTED** *nunc pro tunc*.

14 **IT IS FURTHER ORDERED** that, pursuant to Rule 56(f) of the Federal Rules of Civil
15 Procedure, the parties may file Motions for Summary Judgment no later than July 27, 2018.

16 **DATED** this 30 day of June, 2018.

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21 Gloria M. Navarro, Chief Judge
22 United States District Judge
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